

# Staff Summary Report



Hearing Officer Hearing Date: December 4, 2007

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by the **LEWIS PROPERTY** located at 241 East 15<sup>th</sup> Street for two (2) variances.

**DOCUMENT NAME:** 20071204dssd01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **LEWIS PROPERTY (PL070403)** (Joseph Lewis, applicant/property owner) located at 241 East 15<sup>th</sup> Street in the R1-6, Single Family Residential District for:

**VAR07024** Variance to reduce the front yard setback from twenty (20) feet to ten (10) feet ~~two (2)~~ **four (4)** inches.

**VAR07025** Variance to reduce the required driveway from twenty (20) feet to ten (10) feet ~~two (2)~~ **four (4)** inches.

**CORRECTED BY DEVELOPMENT SERVICES DEPARTMENT**

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

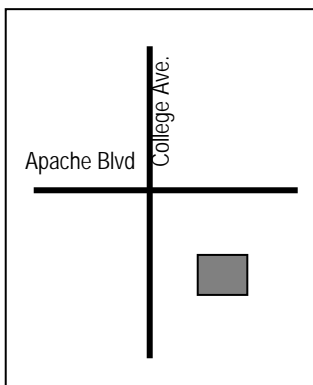
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions 1-3

**ADDITIONAL INFO:** The Lewis Residence is requesting two (2) variances; One to reduce the front yard setback from twenty (20) feet to ten (10) feet, four (4) inches and a second variance to reduce the required driveway length from twenty (20) to ten (10), four (4) inches for a proposed garage addition. Staff recommends approval of both variances in that the right-of-way along 15<sup>th</sup> Street is not equitable. It would qualify as a hardship by creating special circumstances in which ten foot (10) of the right-of-way encroaches into the front yard, indicating potential loss of substantial property rights. Typical single family districts (R1-6) do not have right-of-way that encroaches beyond the back edge of sidewalk. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on October 9, 2007. To date staff has received one (1) letter of support and a petition signed by thirteen (13) neighbors supporting this request.



**PAGES:**

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Neighborhood Meeting Letter
- 5-6. Neighborhood Minutes/ Attendance Roster
7. Site plan
8. Floor Plan/Elevations
- 9-10. Staff Photograph(s)
- 11-13. Letter of Support/ Petition

## COMMENTS:

The Lewis Residence is requesting two (2) variances; One to reduce the front yard setback from twenty (20) feet to ten (10) feet, four (4) inches and a second variance to reduce the required driveway length from twenty (20) feet to ten (10) foot, four (4) inches for a proposed garage addition. The neighborhood street has a thirty (30) foot half width right-of-way. 15<sup>th</sup> Street had been designed differently along the north and south side of 15<sup>th</sup> Street. The north side of 15<sup>th</sup> Street the right-of-way extends to the back edge of the sidewalk; the south side of 15<sup>th</sup> Street the right-of-way extends ten (10) feet beyond the sidewalk. Therefore, the properties along the south side of 15<sup>th</sup> Street have a portion of the front yard that can't be developed equally compared to the properties along the north side of 15<sup>th</sup> Street. Typical single family districts (R1-6) do not have right-of-way that encroaches beyond the back edge of sidewalk. If the variances for the proposed garage addition were approved, this new garage would be located twenty feet, four inches (20'-4") from back edge the sidewalk.

The Hearing Officer, at the November 6 hearing, requested the applicant provide additional information on existing neighborhood setbacks. Staff conducted field measurements and found the average residence in the neighborhood is thirty-five feet (35) from back edge of sidewalk, which would be twenty-five feet (25) from the property line.

## Neighborhood Meeting

The applicant had his required neighborhood meeting on Tuesday, October 9, 2007 at 6:00 PM. Two (2) neighbors were in attendance and were in support of the request.

## Variance

The Zoning and Development Code Development Standards requires the front setback for dwellings, in the R1-6 Single Family Residential District, to be located twenty (20) feet from the front property line. The ZDC also requires on site driveways to be twenty (20) feet in length.

Analysis of this request, result in findings that there are special circumstances or conditions affecting the proposed building, land, or use to warrant approval of the variance. The property is rectangular in shape and is consistent with other properties on this block. The thirty (30) foot half width right-of-way along the south side of 15<sup>th</sup> Street (Lewis Residence) extends ten (10) feet beyond the back edge of sidewalk. The north side of 15<sup>th</sup> Street, the thirty (30) foot right-of-way extends to the back edge of sidewalk. The properties along the south side have ten (10) foot of there front yard that is unusable, creating a hardship for property owners along the south side of 15<sup>th</sup> street. Given the right of way discrepancy, the proposed garage would "appear visually" to be twenty feet, four inches (20'-4") from the back edge of the sidewalk.

## Conclusion

Staff recommends approval of the variances as proposed.

## REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)  
OF APPROVAL:

- 1. Obtain all necessary clearances from the Building Safety Department.
- 2. The proposed structure shall match the existing residence in materials, color and design.
- 3. The north elevation of the garage shall have address numbers, visible from 15<sup>th</sup> Street.

HISTORY & FACTS:

May 23, 1990	<u>BA900093</u> : The Hearing Officer denied two variances for the Posten Residence at 125 East 15 <sup>th</sup> Street.  a) Variance to reduce front yard setback from 25' to 12' for a proposed carport. b) Variance to reduce sideyard setback from 7' to 3' for proposed carport.
September 27, 2000	<u>BA000251</u> : The Hearing Officer approved a variance for the Furnish Residence at 212 East 14 <sup>th</sup> Street to reduce east side yard setback from 7' to 3'
November 19, 2002	<u>BA020287</u> : The Hearing Officer approved three variances for the Trick Residence located at 304 East 15 <sup>th</sup> Street.  a) Variance to reduce east side yard from 7' to 3' for a detached carport b) Variance to reduce eave overhang from 3' to 2' for a detached carport. c) Variance to allow the proposed carport to encroach into the front half of the lot.
November 6, 2007	<u>PL070403</u> : The Hearing Officer continued this request until the December 4 Hearing. The Hearing Officer requested additional information on neighborhood setbacks.

DESCRIPTION:

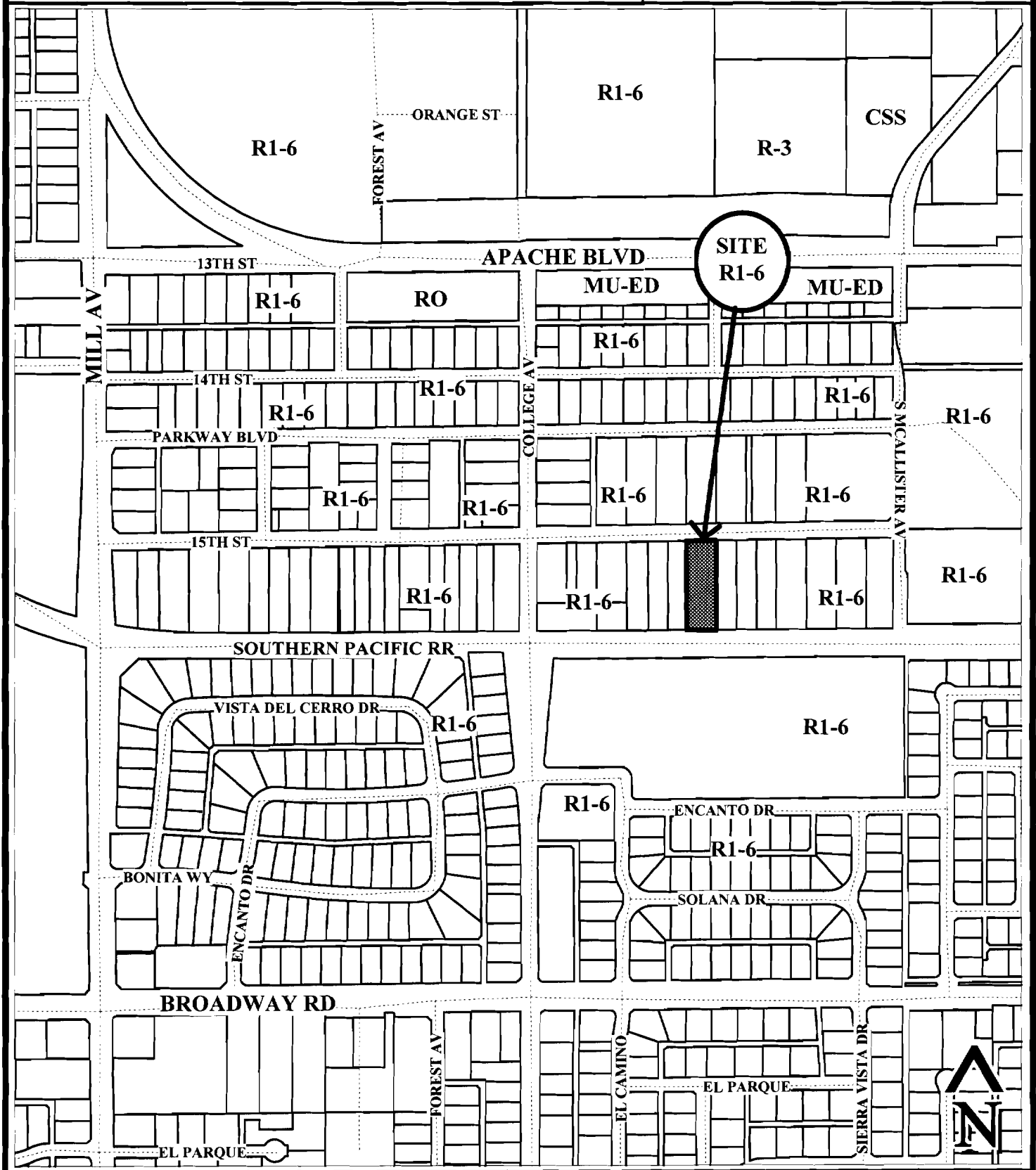
Owner – Joseph Lewis  
Applicant – Joseph Lewis  
Existing Zoning – R1-6, Single Family Residential District  
Lot Size– 33,186 s.f. / .76 acres  
Existing Residence Area – 4,381 s.f.  
Proposed garage area – 830 s.f.  
Lot coverage allowed- 45%  
Lot Coverage (proposed)- 15.7 %  
Required front yard setback- 20'  
Proposed front yard setback- 10'- 4"

ZONING AND  
DEVELOPMENT  
CODE REFERENCE:

Citations of Code Requiring Residential Setbacks & Variance(s):  
Zoning & Development Code:  
Part 4, Chapter 2, Section 4-202.  
Part 6, Chapter 3, Section 6-309

**LEWIS PROPERTY**

**PL070403**





PL070403 - Right of Way Aerial  
LEWIS RESIDENCE

September 5, 2007

City of Tempe  
Board of Adjustment / Hearing Officer

Site Address: 241 E. 15<sup>th</sup> St. Tempe, AZ 85281

I hereby request a Use Permit to allow for a two car garage to extend into the setback.  
Please note the justification bellow for approval.

1. The garage is remaining a two car garage and therefore will not cause "significant vehicular or pedestrian traffic...."
2. The garage is to be extended to allow vehicles to fit inside thus eliminating the nuisance of parking on the street.
3. The garage extension will enhance the neighborhood for the reason stated in number two.
4. The design remains compatible with the surrounding structures.
5. The proposed use permit will not disrupt the general public or the surrounding area.

Thank you, for your consideration.



Joseph Lewis  
241 E. 15<sup>th</sup> St.  
Tempe, AZ 85281  
602-740-3916

September 20, 2007

FILE COPY

Dear Neighbor:

We have submitted plans to the City of Tempe to extend our garage approximately fifteen feet towards the street. As part of the application process we have been asked to hold a neighborhood meeting so that we may answer and questions that you may have. This meeting will be held on October 9<sup>th</sup> at 6:00 pm at 241 E. 15<sup>th</sup> St. Tempe, AZ 85281.

If you have any questions prior to the meeting please feel free to give Joseph Lewis a call at 602-740-3916.

Sincerely Yours,

The Lewis Family

RECEIVED  
07 SEP 26 PM 1:32  
TEMPE PLANNING & DEVELOPMENT  
SERVICES DEPARTMENT

RECEIVED  
07 SEP 26 PM 1:32  
TEMPE PLANNING & DEVELOPMENT  
SERVICES DEPARTMENT



RECEIVED

Neighborhood Meeting Notes  
Extension of garage 15' towards the street.

TEMPORARY DEVELOPMENT  
SERVICES DEPARTMENT

October 9, 2007 6:00 PM

Mr. Lewis began the meeting by giving a history of why the request was being made to extend the garage. He stated that in the two years that the Lewis's have lived on 15<sup>th</sup> Street that one vehicle has been stolen from the driveway and the other one has been broken into on three occasions by breaking the windows. Mr. Lewis then when on to open the garage door and point out that there is currently not the depth to park a vehicle within the garage.

Mary Trick asked if there was a way to bring the autos around the side of the house? Mr. Lewis pointed out that the house was built approximately 7ft from the lot line on either side and that it would not be practical to park the cars on either side of the house. Mr. Hertenstein stated that he had the same problem and wished that the City would improve the alley on the S side of 15<sup>th</sup> St. homes.

Mary Trick also asked about the design of the garage. Mr. Lewis said that the design would follow the same lines and materials as the existing garage. He said that he wanted the garage addition to "look like it had always been there".

The meeting ended at approximately 6:15 pm

Marsh Creek or Martin  
RECEIVED

10/9/07

07 OCT 18 PM 1:25  
may m. rich  
LAND-DEVELOPMENT  
SERVICES DEPARTMENT

CARL & CONCHA HERTENSTEIN

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NO. / CHANGE FILE	DATE	TECHNOLOGY
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102	1990.10.10	1.000.000

**DEPARTMENT OF HUMAN SERVICES**

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SECTION NUMBER  
SECTION NAME  
DETAIL NUMBER  
SHEET NUMBER

INTERIOR ELEVATION

ROOM DESIGNATION  
CABINET HEIGHT

LEFT NOTE

DOOR NUMBER

WINDOW TYPE

ELEVATION / JOIST DIRECTION  
ELEVATION NOTATIONS  
ELEVATION NOTATIONS

1/2" = 1'-0"

1/4" = 1'-0"

1/8" = 1'-0"

1/16" = 1'-0"

1/32" = 1'-0"

1/64" = 1'-0"

1/128" = 1'-0"

1/256" = 1'-0"

1/512" = 1'-0"

1/1024" = 1'-0"

1/2048" = 1'-0"

1/4096" = 1'-0"

1/8192" = 1'-0"

1/16384" = 1'-0"

1/32768" = 1'-0"

1/65536" = 1'-0"

1/131072" = 1'-0"

1/262144" = 1'-0"

1/524288" = 1'-0"

1/1048576" = 1'-0"

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VICINITY MAP

**V8**

VINCENT & GOLDSTEIN  
ARCHITECTS

"Vincent & Goldstein Architects is a firm of architects and interior designers located in New York City. The firm has been in business for over 20 years and has completed a wide variety of projects for clients in the commercial, institutional, and residential sectors. The firm's work has been recognized by the American Institute of Architects and the New York State Office of General Services. The firm's clients include the City of New York, the State of New York, and numerous private corporations and individuals. The firm's work has been featured in the New York Times, the New York Post, and the New York Observer. The firm's website is [www.vgarchitects.com](http://www.vgarchitects.com).

100 West 42nd Street, 10th Floor, New York, NY 10018  
Tel: 212-692-1234 Fax: 212-692-1235 Email: [info@vgarchitects.com](mailto:info@vgarchitects.com)

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Lewis Addition  
241 East 15th Street Tempe, AZ 85282  
Site Plan

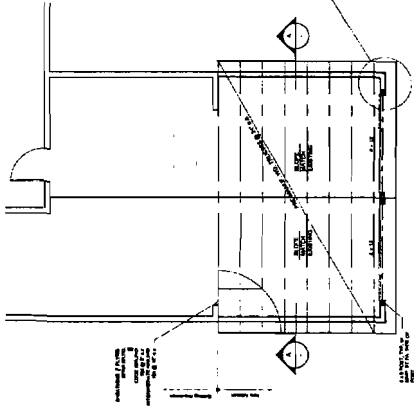
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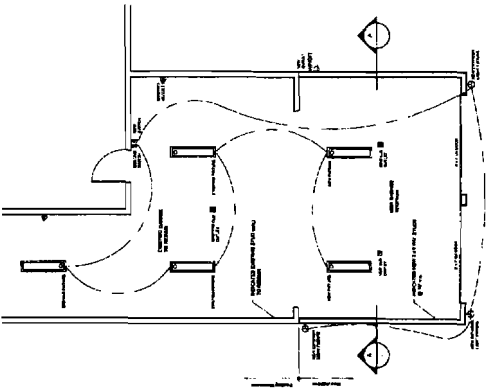


# GENERAL NOTES

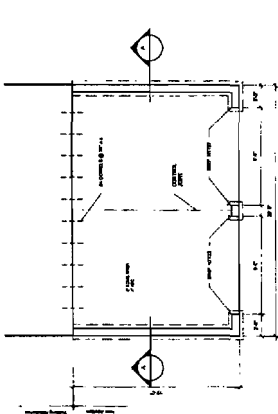
1. REFER TO EXISTING PLANS FOR ALL INFORMATION NOT SHOWN HEREIN.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
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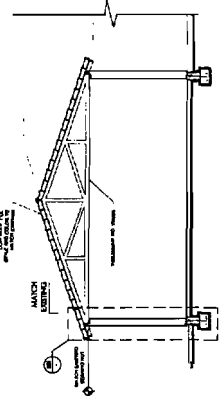
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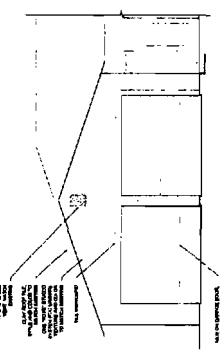
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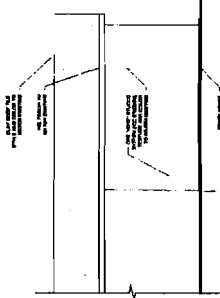
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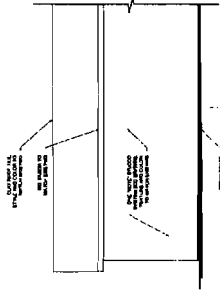
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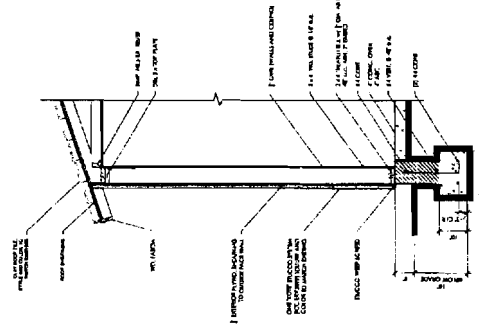
NORTH ELEVATION  
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EAST ELEVATION  
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WEST ELEVATION  
SCALE: 1/8"=1'-0"



WALL SECTION 1  
SCALE: 1/8"=1'-0"

Lewis Addition  
241 East 15th Street, Tempe, AZ 85282  
Garage Sheet

A2.0



**LEWIS RESIDENCE**

**241 E 15<sup>TH</sup> ST**

**PL070403**

**FRONT OF RESIDENCE: VIEW TO SOUTH**





**LEWIS RESIDENCE**

**241 E 15<sup>TH</sup> ST**

**PL070403**

**DRIVEWAY: VIEW TO SOUTH**

November 16, 2007

To: Steve Abrahamson  
City of Tempe

From: Robert Trick  
304 East 15<sup>th</sup> St  
Tempe, AZ 85281

Re: Lewis Residence  
241 East 15<sup>th</sup> St  
Tempe, AZ 85281  
# PL070403

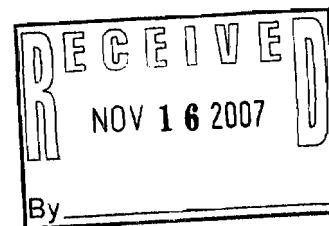
RECEIVED  
07 NOV 16 AM 11:27  
TELEPHONIC DEPARTMENT  
SERVICES DEPARTMENT

Mr. Abrahamson,






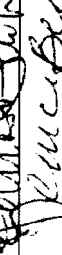
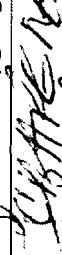



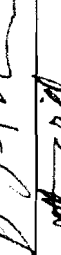
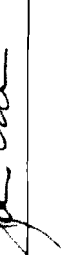

There have been some negative comments about the Lewis' proposed garage extension. I live nearly directly across the street from Joseph Lewis and I support his proposal to extend his garage so he may remove his cars from the street.

I have known Joseph for more than twenty years and trust he will construct an addition of appealing architecture that will match the existing building. Our 15<sup>th</sup> street is well known for a diverse range of building styles and the Lewis' plan expand their garage will in no way disrupt the visual beauty of 15<sup>th</sup> street and in no way will reduce our property values.

Sincerely, Robert Trick



I support variance request #VAR7024 & #VAR07025 for the LEWIS Property located at 241 E. 15<sup>th</sup> Street. Variance to reduce the front yard setback from twenty (20) feet to ten (10) feet two inches. Variance to reduce the required driveway from twenty (20) feet to ten (10) feet two (2) inches.

DATE	PRINT NAME	ADDRESS	SIGNATURE
10-6-07	Dave Cling	309 E 15 <sup>th</sup> St	
11-6-07	Elizabeth Cling	309 E 15 <sup>th</sup> St	
11-6-07	Robert Lewis	313 E. 15 <sup>th</sup> St	
11-6-07	Robert Trick	301 E. 15 <sup>th</sup> St	
11-6-07	Robin Trick	300 E 15 <sup>th</sup> St	
11-07-07	JOHN PENTON	244 9. 15 <sup>th</sup> ST. TEMPE	
11-7-07	Emice Benton	244 E. 15 <sup>th</sup> St. Tempe	
11-7-07	Gindy Bargnes	241 E. 15 <sup>th</sup> St Tempe	
11-7-07	John Bargnes	221 E. 15 <sup>th</sup> St Tempe	
11-7-07	John Bargnes	221 E. 15 <sup>th</sup> St Tempe	
11-7-2007	Bruce Cameron	235 E. 15 <sup>th</sup> St Tempe	
11-8-07	David Richardson	234 E. 15 <sup>th</sup> St Tempe	
11-8-07	Don Gillan	306 E. 15 <sup>th</sup> St Tempe	



SUPPORT FOR VARIANCES #VAR7024 & VAR07025  
AS OF NOV 8/07

